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ENDORSED
FILED

AUG - 8 2019

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

10 *Attorneys for the People of the State of California*

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SONOMA

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 v.

20 THOMAS MCNEESE KELLER,

21 Defendant.

Case No. SCR-730100-1

FELONY COMPLAINT

[AG Docket No: SF2018103050]

23 The People of the State of California hereby allege that in the County of Sonoma, State of
24 California, and elsewhere, within the State of California, before the making of this criminal
25 complaint, the above-named defendant, THOMAS MCNEESE KELLER (DOB 02/10/1947),
26 committed the following different criminal offenses all connected together in their commission,
27 and being two or more different offenses of the same class of crimes or offenses, under separate
28 counts:

COUNT 1
PENAL CODE SECTION 187, SUBDIVISION (A)- FELONY
MURDER- 15 YEARS TO LIFE

On or about June 10, 2016, in the County of Sonoma, State of California, defendant THOMAS KELLER did unlawfully kill a human being, to wit, J. B-B., with implied malice aforethought, in violation of Penal Code section 187, subdivision (a), a felony.

COUNT 2
PENAL CODE SECTION 187, SUBDIVISION (A)- FELONY
MURDER- 15 YEARS TO LIFE

8 On or about July 18, 2016, in the County of Sonoma, State of California, defendant
9 THOMAS KELLER did unlawfully kill a human being, to wit, T. N., with implied malice
10 aforethought, in violation of Penal Code section 187, subdivision (a), a felony.

COUNT 3
PENAL CODE SECTION 187, SUBDIVISION (A)- FELONY
MURDER- 15 YEARS TO LIFE

13 On or about January 5, 2017, in the County of Sonoma, State of California, defendant
14 THOMAS KELLER did unlawfully kill a human being, to wit, D. D. R., with implied malice
15 aforethought, in violation of Penal Code section 187, subdivision (a), a felony.

COUNT 4
PENAL CODE SECTION 187, SUBDIVISION (A)- FELONY
MURDER- 15 YEARS TO LIFE

18 On or about July 26, 2017, in the County of Sonoma, State of California, defendant
19 THOMAS KELLER did unlawfully kill a human being, to wit, A. M., with implied malice
20 aforethought, in violation of Penal Code section 187, subdivision (a), a felony.

COUNT 5
PENAL CODE SECTION 368, SUBDIVISION (B)(1) - FELONY
ELDER ABUSE – 2, 3, OR 4 YEARS

23 On or about and between May 7, 2014 and May 15, 2015, in the County of Sonoma, State
24 of California, defendant THOMAS KELLER did, under circumstances and conditions likely to
25 produce great bodily harm and death, having the care or custody of S. R., a person over the age of
26 65, willfully cause or permit her to be placed in a situation in which her health was endangered, in
27 violation of Penal Code section 368, subdivision (b)(1), a felony.

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COUNT 6

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**HEALTH AND SAFETY CODE SECTION 11153, SUBDIVISION (A)- FELONY
ISSUING PRESCRIPTIONS WITHOUT LEGITIMATE MEDICAL PURPOSE-16 MONTHS, 2 OR 3
YEARS**

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4 On or about and between January 9, 2014 and January 23, 2015, in the County of Sonoma,
5 State of California, defendant THOMAS KELLER did unlawfully issue prescriptions for
6 controlled substances to S. D., to wit, oxycodone, hydromorphone, and hydrocodone (Norco),
7 without a legitimate medical purpose and outside the usual course of professional practice and
8 treatment, in violation of Health and Safety Code section 11153, subdivision (a), a felony.

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COUNT 7

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**HEALTH AND SAFETY CODE SECTION 11153, SUBDIVISION (A)- FELONY
ISSUING PRESCRIPTIONS WITHOUT LEGITIMATE MEDICAL PURPOSE- 16 MONTHS, 2 OR 3
YEARS**

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12 On or about and between June 22, 2013 and January 7, 2016, in the County of Sonoma,
13 State of California, defendant THOMAS KELLER did unlawfully issue prescriptions for
14 controlled substances to J. S., to wit, oxycodone, carisoprodol (Soma), and alprazolam (Xanax),
15 without a legitimate medical purpose and outside the usual course of professional practice and
16 treatment, in violation of Health and Safety Code section 11153, subdivision (a), a felony.

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COUNT 8

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**HEALTH AND SAFETY CODE SECTION 11153, SUBDIVISION (A)- FELONY
ISSUING PRESCRIPTIONS WITHOUT LEGITIMATE MEDICAL PURPOSE- 16 MONTHS, 2 OR 3
YEARS**

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On or about and between February 27, 2018 and March 12, 2018, in the County of Sonoma,
State of California, defendant THOMAS KELLER did unlawfully issue prescriptions for
controlled substances to Agent R. M., aka "ALLEN McKAY," to wit, hydrocodone (Norco),
carisoprodol (Soma), and tramadol, without a legitimate medical purpose and outside the usual
course of professional practice and treatment, in violation of Health and Safety Code section
11153, subdivision (a), a felony.

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COUNT 9
HEALTH AND SAFETY CODE SECTION 11153, SUBDIVISION (A)- FELONY
ISSUING PRESCRIPTIONS WITHOUT LEGITIMATE MEDICAL PURPOSE- 16 MONTHS, 2 OR 3
YEARS

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4 On or about and between August 21, 2013 and July 12, 2018, in the County of Sonoma,
5 State of California, defendant THOMAS KELLER did unlawfully issue prescriptions for
6 controlled substances to A. R., to wit, morphine, oxycodone, and alprazolam (Xanax), without a
7 legitimate medical purpose and outside the usual course of professional practice and treatment, in
8 violation of Health and Safety Code section 11153, subdivision (a), a felony.

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SPECIAL ALLEGATION – TOLLING OF STATUTE OF LIMITATIONS
PENAL CODE SECTION 803, SUBDIVISION (C)

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11 It is further alleged that defendant KELLER had a fiduciary obligation toward all of the
12 victims listed in the present complaint. No victim of the aforementioned charges and no law
13 enforcement agency chargeable with the investigation and prosecution of said charges had actual
14 or constructive knowledge of said charges prior to June 22, 2017, when Agents Madore, Arriaga,
15 and Schwarz of the U.S. Department of Health and Human Services, Office of Inspector General,
16 met to discuss claims data on THOMAS KELLER reflecting suspicious opioid prescribing
practices, within the meaning of Penal Code section 803, subdivision (c).

17 I declare under penalty of perjury, on information and belief, pursuant to the laws of the
18 State of California, that the foregoing is true and correct.

19 Dated: August 8th, 2019

Respectfully submitted,

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21 XAVIER BECERRA
Attorney General of California

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THOMAS M. BRENNAN
Deputy Attorney General
Attorneys for the People of the State of
California

REQUEST FOR DISCOVERY

Pursuant to Penal Code section 1054.5, subdivision (b), the People request from defendant and defense counsel all materials and information required to be disclosed to the prosecution by the defense under the authority of Penal Code section 1054.3, including the following:

1. The names and addresses of persons, other than the defendant, whom the defendant intends to call as witnesses at trial. [Pen. Code § 1054.3, subd. (a)].
2. Any relevant written or recorded statements of persons whom the defendant intends to call as witnesses at trial. [Pen. Code § 1054.3, subd. (a)].
3. Any reports of the statements of persons whom the defendant intends to call as witnesses at trial. [Pen. Code § 1054.3, subd. (a)].
4. Any reports or statements of experts made in connection with the case. [Pen. Code § 1054.3, subd. (a)].
5. Any results of physical or mental examinations, scientific tests, experiments or comparisons which the defendant intends to offer in evidence at the trial. [Pen. Code § 1054.3, subd. (a)].
6. Any real evidence which the defendant intends to offer in evidence at the trial. [Pen. Code § 1054.3, subd. (a)].

This is a continuing request for the above information. If the information becomes available at a future time, the prosecution, by this request, asks that it be immediately disclosed to the prosecution.